

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DION LAKE,

Defendant.

ORDER

07-cr-68-bbc

Defendant Dion Lake by counsel Mark Maciolek has filed a notice of appeal and a motion for leave to proceed on appeal in forma pauperis. The motion is DENIED. Although defendant had appointed counsel in his criminal case and I am satisfied that he is still financially unable to pay the costs of his present appeal from the denial of his motion for a sentence reduction under 18 U.S.C. § 3582, he has no entitlement to appointed counsel at government expense. United States v. Foster, 706 F. 3d 887, 888 (7th Cir. 2013); United States v. Forman, 553 F. 3d 585, 590 (7th Cir. 2009). A § 3582 motion is not part of the

criminal prosecution or a form of collateral attack for which counsel may be appointed.

Entered this 24th day of May, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge